

# Town of Mesilla, New Mexico

## BOARD OF TRUSTEES TOWN OF MESILLA BOARD MEETING MONDAY, MARCH 23, 2015 6:00 P.M.

**TRUSTEES:** Nora L. Barraza, Mayor  
Carlos Arzabal, Mayor Pro Tem (absent)  
Sam Bernal, Trustee  
Linda L. Flores, Trustee (via telephone)  
Stephanie Johnson-Burick

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
Debbie Lujan, Public Works Director  
Chris Mangusing, Marshal  
Irene Parra, Special Events Coordinator  
Gloria Maya, Recorder

**PUBLIC:** Ron Nims                      Matthew Lee  
Charles Bourger                  Eddie Binns

### 1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

### 2. ROLL CALL & DETERMINATION OF A QUORUM

#### Roll Call.

**Present:** Mayor Barraza, Trustee Bernal, Trustee Johnson-Burick, Trustee Flores (via telephone)

Absent/Excused: Mayor Pro Tem Arzabal.

### 3. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

Mr. Jerry Garcia stated that two weeks ago his dog, which was tied up, was killed by a couple of pit bulls. When his son arrived to feed the dog he also was attacked. They called Animal Control and were told that Animal Control could not come into Mesilla unless they were paid. The pit bulls were not euthanized but returned to the owner. He asked why anything can't be done. He stated that the marshal came to his property laughing; this was not a laughing matter. He told the marshal to get the hell out of there. The marshal turned around and threatened him. He asked what the town is going to do about animal control. People have a lot of complaints with regards to animal control. He wants to know what the town is going to do about it. The county will not come unless they have approval. His father goes outside in the

1 mornings; those dogs would have killed him. What if a child would have been outside? He hopes the  
2 town does something about it. This is very disturbing.

3  
4 Ms. Kathy Garcia yielded her minutes to Mr. Garcia. She did not like what the marshal did that day.

5  
6 Mr. Binns stated he has encouraged the Planning and Zoning to pursue analysis regarding the sign  
7 ordinance to help the merchants that are have a strain where people have difficulty finding their location.  
8 A word of encouragements from the trustees to Mr. Shannon and the Planning and Zoning to help open  
9 the door to find something that would be constructive. There has been discussion in developing a new  
10 Comprehensive Plan. Things have changed, there is a different market. Review and modify things that  
11 would help the growth and the community. He understands the town does not have the funds but the  
12 town could apply for grants to work on the Comprehensive Plan. Moving forward would be constructive  
13 and beneficial to the community.

#### 14 15 **4. CHANGES/APPROVAL OF THE AGENDA**

16 Trustee Bernal requested placing items A, C and D under New Business on the consent agenda.

17  
18 Trustee Johnson Burick stated she would like to discuss item B.

19  
20 Trustee Bernal changed his request to place items A and D under New Business on the consent agenda.

21  
22 **Motion: To approve the agenda as amended, Moved by Trustee Bernal, Seconded by Trustee**  
23 **Johnson-Burick.**

24  
25 **Roll Call Vote: Motion passed (summary: Yes = 3).**

26 **Trustee Bernal Yes**

27 **Trustee Johnson-Burick Yes**

28 **Trustee Flores Yes (via telephone)**

#### 29 30 **5. \*APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one** 31 **motion the following items of recurring or routine business. The Consent Agenda is marked** 32 **with an asterisk \*:**

33 **Motion: To approve the consent agenda as amended, Moved by Trustee Bernal, Seconded by**  
34 **Trustee Flores.**

35  
36 Trustee Johnson-Burick asked who has the responsibility of insuring the conditions placed by the  
37 Planning and Zoning are met.

Mayor Barraza responded that would be Mr. Shannon, Community Development Coordinator, with the assistance of Ms. Stoechner-Hernandez.

**Roll Call Vote: Motion passed (summary: Yes = 3).**

**Trustee Bernal Yes**

**Trustee Johnson-Burick Yes**

**Trustee Flores Yes (via telephone)**

- **\*BOT MINUTES** – Regular Meeting of Monday, March 9, 2015. *Approved by consent agenda*
- **\*PZHAC Case # 012354 w/conditions**– A sign permit for Lormar Pecans submitted by Roberto Garcia to be placed 2245 Calle de Colon. Historical Residential (HR). *Approved by consent agenda*
- **\*PZHAC Case # 012355** – A building permit for Dave Hooker, 2590 Avenida de Mesilla, to add a glass façade in front of the old car wash to include re-stuccoing and brick work. Commercial (C). *Approved by consent agenda*
- **\*PZHAC Case # 012360 w/conditions** – A building permit for Andale's Restaurant by Eddie Binns at 1950 Calle del Norte for the placement of glass to enclose the patio area. Historical Commercial (HC). *Approved by consent agenda*

## **6. NEW BUSINESS:**

- a. For approval: a two (2) year contract between Entomology Consultants, LLC and the Town of Mesilla for vector control management services within the Town Limits for the period of July 2015 until July 2017. **Debbie Lujan, Public Works Director.**

Ms. Lujan stated Mr. Lee has increased his fee by \$4,000 for associated costs; testing is no longer covered by the state. Mr. Lee goes over and beyond his contract to accommodate the needs of the town.

Mayor Barraza stated Mr. Lee goes far beyond his contract to help the Town of Mesilla. He has been running at a loss while helping out the town; she is surprised why it has taken him so long to increase his fees. We sincerely appreciate it Mr. Lee and do not want to take advantage of his services.

Trustee Johnson-Burick stated she ask her questions during the meetings so they are reflected in the minutes. She understands there are not very many options for this type of work. She asked if we have looked at other options and have we looked at the county for this service.

1 Mayor Barraza responded we have looked at the county. When the county is called it is very costly. She  
2 asked Mr. Lee if he has worked with the county. She asked Ms. Lujan if she has checked with the county  
3 regarding vector control.

4  
5 Mr. Lee responded they took it over from the county. We are a company that provides an outstanding  
6 service at a small cost. Since Trustee Johnson-Burick works with the county it is a conflict of interest for  
7 her to asked if the town has looked at the county for this service.

8  
9 Trustee Johnson-Burick responded she does not work in that department. She is not just referring to the  
10 county but to other companies that are out there.

11  
12 Mr. Lee stated there are lots of companies. He recommends putting it out to bid; they will be surprised at  
13 what the town will get. It is one of those situations where it is the trustees job to manage the town and it  
14 is his job to manage the cost of his business. At this time he is running in the red working the Town of  
15 Mesilla. He will walk away if the fee increase is not approved. When it comes to our service everything  
16 goes up; fuel, supplies, testing. The State of New Mexico did the testing for West Nile Virus at \$20 a  
17 sample. His cost to run the samples in his private laboratory, which he absorbed, is \$15 sample. He is  
18 not willing to absorb that cost at a loss. If the town feels our service is not worth the price let us know  
19 and we can have a dialogue. Nothing has been said up to this point.

20  
21 Trustee Johnson-Burick asked when the last time there was a fee increase.

22  
23 Mayor Barraza responded the fee has been increased once since 2003.

24  
25 Trustee Johnson-Burick stated it does not seem like good business sense to run in the red all those years  
26 and just know raise your prices. She asked if there will be any added services for the \$8,000; what is the  
27 scope.

28  
29 Mayor Barraza stated it will be a \$4,000 a year increase due to associated costs increasing.

30  
31 Mr. Lee stated fuel, testing chemicals, insurance continue to increase which he absorbs. This can be  
32 looked at as an ultimatum since he cannot continue to absorb the associated cost increases. He has been  
33 in private business for 15 years and is successful. When it comes to saying that my business runs in the  
34 red, we have other businesses that make up for the red. He also has a research business where he makes  
35 his living. This is what he does because he enjoys what he does.

1 Trustee Johnson-Burick asked if this increase will provide educating the community.

2  
3 Mayor Barraza responded Mr. Lee has come to the trustees to make presentations for the residents. He  
4 works with Ms. Lujan on a one-to-one basis. The Public Work Staff has gone door to door placing flyers  
5 regarding vector control. Mr. Lee has always been proactive. He even goes on to private property to help  
6 control the mosquito infestation.

7  
8 Trustee Johnson-Burick stated this contract goes into effect in April. 1

9  
10 Ms. Lujan responded he begins in April but the first installment will be in July; the start of the fiscal year.

11  
12 Mayor Barraza stated the contract is from July 1, 2015 thru June 30, 2016 and July 1, 2016 thru June 30,  
13 2017.

14  
15 Trustee Johnson-Burick stated so there is not enough time to seek other options.

16  
17 Mayor Barraza responded there are always options. We are getting ready to approach the season and it  
18 will need to be the consensus of the entire board to see how they would like to proceed.

19  
20 Trustee Flores stated she has been satisfied with Mr. Lee's service.

21  
22 **Motion: To approve a two (2) year contract between Entomology Consultants, LLC and the Town**  
23 **of Mesilla for vector control management services with the Town Limits for the period of July 2015**  
24 **until 2017, Moved by Trustee Bernal, Seconded by Trustee Flores.**

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26 **Roll Call Vote: Motion passed (summary: Yes = 2, No=1).**

27 **Trustee Bernal Yes**

28 **Trustee Johnson-Burick No**

29 **Trustee Flores Yes (via telephone)**

30  
31 **b. For approval: award for construction on the Public Safety Building. – Debbie Lujan, Public**  
32 **Works Director.**

33 Ms. Lujan stated Molzen/Corbin has recommend TD General Contractor Incorporated. This is awarding  
34 the base bid and Alternate 1; ways to obtain Alternate 2 if funds become available.

Trustee Bernal stated this has been back and forth. He thanked Ms. Lujan for getting this thing going. The Fire Chief is also looking forward to making this work. This is a win/win situation.

**Motion: To approve the award for construction on the Public Safety Building, Moved by Trustee Johnson-Burick, Seconded by Trustee Bernal.**

**Roll Call Vote: Motion passed (summary: Yes = 3).**

**Trustee Bernal Yes**

**Trustee Johnson-Burick Yes**

**Trustee Flores Yes**

**c. Resolution 2015-01:** A resolution by the Board of Trustees authorizing a 120-day moratorium for temporary mobile vendors including, but not limited to, mobile food vendors, pottery vendors, and other temporary vendor having similar impacts on the Town. **Cynthia Stoechner-Hernandez, Clerk-Treasurer. *Approved by consent agenda***

**d. Resolution 2015-02:** A resolution by the Board of Trustees declaring surplus property to be nonessential for Government Functions to be sold Pursuant to §3-54-2 NMSA. **Cynthia Stoechner-Hernandez, Clerk-Treasurer. *Approved by consent agenda***

## **7. BOARD OF TRUSTEE COMMITTEE REPORTS**

Trustee Johnson-Burick no committee report

Trustee Bernal stated he has drill on April 11<sup>th</sup> which is the Clean and Beautiful weekend; Trustee Arzabal will be attending in his place. He has not received any feedback from Mr. Gilbert Madrid. Ms. Carol Richman who has some individuals that are willing to help but he will wait until he hears from Mr. Madrid.

Trustee Flores no committee report

## **8. BOARD OF TRUSTEE COMMENTS**

Trustee Flores stated she is disappointed that House Bill 36/Senate Bill 92 did not pass. She encourages everyone to let their legislators know they are disappointed that they did not pass. We may need to look at doing the work ourselves instead of depending on the legislators.

Trustee Bernal stated he knows the comments made earlier will not go without any response or actions from the Mayor.

1 Trustee Johnson-Burick stated on March 12<sup>th</sup> she heard a horrendous cry of an animal in distress. She  
2 saw two pit bulls attacking a six month Doberman. She called the marshal who sent Deputy Lujan who  
3 arrived quickly. The dog was saved but was upset that Animal Control was called off. She also heard  
4 from a resident that Animal Control was called off. She also called Animal Control regarding starving  
5 chickens; they did not come out. She hopes the town can meet with DASO to see what we can do. What  
6 if a child was walking and something were to happen.

7  
8 Mayor Barraza stated the town is in the process of obtaining funding for the Comprehensive Plan. Trustee  
9 Flores is in charge of that committee. We are hoping to receive a \$50K grant to update the Plan. The  
10 Comprehensive Plan was last updated in 2004. She met with Mr. Hutchinson and the gentleman who is  
11 part owner of the Mercado and asked them to prepare something to see if it is something we can work  
12 with. She recommended raising the current sign but we are still working on that. We have been talking  
13 about enforcing our ordinance and meeting with the businesses. The community is concerned and would  
14 like to keep signs at a minimum so not to distract from what we have to offer. It will take everyone  
15 working together. She was aware of the incident on March 14<sup>th</sup> and dogs going crazy in the town. People  
16 are not responsible pet owners. We will be reinforcing the ordinance as it reads; pets must be kept within  
17 their yards. When we have residents that allow their pets to roam the town they are not responsible pet  
18 owners. Pit bulls have been a popular thing in our community. Cats are also a problem in our  
19 community. Marshal Mangusing and Mr. Tom Austin have been trying to work with DASO and Animal  
20 Control to see what can be done. The departments are so short staffed and do not have the manpower to  
21 assist us. She was hoping to contract with Animals Control to patrol the area with the hope that people  
22 will begin to take responsibility once they get cited. We have been working for some time on this issue.  
23 The town was being billed horrendous amounts for Animal Control.

24  
25 Marshal Mangusing stated if the animal is picked up it cost \$17.50 plus \$20 a day for housing the animal.  
26 They do show up but are so short staff. He has been speaking to Mary Lou. We had four billings around  
27 \$250. If we can handle it ourselves we will. There was a skunk in a trap which we cannot take care of.  
28 Everything regarding Animal Control is charged to the town.

29  
30 Mayor Barraza stated we are working on an agreement with the county for their assistance. The residents  
31 are not going to be happy when they get cited for not following the ordinance. She reiterated people are  
32 irresponsible pet owners. It breaks her heart to see animals are attacked. We need to enforce the  
33 ordinance. There are dogs around the town that we have to clean up after. She is sorry to hear about the  
34 Garcia's dog.

35  
36 Marshal Mangusing stated the two pit bulls were not from Mesilla.

37  
38 Mayor Barraza stated offices will be closed Tuesday, March 31<sup>st</sup> for Cesar Chavez Day and Friday, April  
39 3<sup>rd</sup> for Spring Day. The Easter Bunny will be on the plaza on April 1<sup>st</sup> at 9:00 a.m. April 11<sup>th</sup> is the Clean  
40 and Beautiful Day. The newsletter will be going out within the next two weeks.

## 41 42 **9. ADJOURNMENT**

43 **Motion: To adjourn, Moved by Trustee Bernal, Seconded by Trustee Johnson-Burick.**

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45 **Roll Call Vote: Motion passed (summary: Yes = 3).**

46 **Trustee Bernal Yes**

47 **Trustee Johnson-Burick Yes**

48 **Trustee Flores Yes (via telephone)**  
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1 **MEETING ADJOURNED AT 6:49 P.M.**

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3  
4 **APPROVED THIS 13<sup>TH</sup> DAY OF APRIL 2015.**

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7  
8 \_\_\_\_\_  
9 Nora L. Barraza  
10 Mayor  
11

12 **ATTEST**

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14  
15  
16 \_\_\_\_\_  
17 Cynthia Stoechner-Hernandez  
18 Town Clerk/Treasurer